

### **REMARKS**

The non-Final Office Action dated December 17, 2008 has been received and reviewed. Claims 1, 3, 5-11, 13, 15-22, 24-30 and 37 are pending. Each of claims 21 and 37 has been amended herein. As such, claims 1, 3, 5-11, 13, 15-22, 24-30 and 37 remain pending. Applicants respectfully request reconsideration of the present Application in view of the above amendments and the following remarks.

#### **Allowable Subject Matter**

Applicants would like to thank the Examiner for the indication of allowable subject matter in claims 1, 3, 5-11, 13 and 15-20.

#### **Objections**

The specification has been objected to for the inadvertent use of improper language and format in the abstract. More particularly, the abstract has been objected to for including phrases which can be implied. The words “are disclosed” have been corrected and the relevant portion of the abstract now reads “[a] method and system for rendering a desktop on a computer using a composited desktop model operating system are provided.” Accordingly, the objection is believed to have been overcome. As such, withdrawal thereof is respectfully requested.

**Rejections based on 35 U.S.C. § 101**

Claims 21, 22 and 24-30 have been rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. More particularly, claims 21, 22 and 24-30 have been rejected as reciting a series of steps or acts to be performed without being either tied to another statutory category (such as a particular apparatus) or transforming underlying subject matter to a different state of thing. *See, Office Action*, p. 2, ¶ 2. Claim 21 has been amended herein to recite a computer implemented method of displaying a window in a graphical user interface of a shell of an operating system. The method comprises receiving window information from an instance of an application program *associated with a computing device*; and rendering a window *on a display associated with the computing device* having a base object and a plurality of discrete primary content objects, wherein rendering is based on a base geometry defined by a mesh. As such, it is respectfully submitted that claim 21 has been amended to be tied to a particular apparatus, namely, a computing device. Accordingly, the 35 U.S.C. § 101 rejection of this claim is believed to be overcome. Claims 22 and 24-30 depend, either directly or indirectly from amended claim 21 and, accordingly, the rejection under 35 U.S.C. §101 of each of these claims is believed to be overcome for at least the above-stated reasons. Each of claims 21, 22 and 24-30 is believed to be in condition for allowance and such favorable action is respectfully requested.

**Rejections based on 35 U.S.C. § 102(b)**

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir.

1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

Claim 37 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,870,088 to Washington et al. (hereinafter the “Washington reference”). Claim 37 has been amended herein to recite, in part, a data processing system comprising a memory storing window properties comprising, for a plurality of windows for which properties are stored, properties for a base object and properties for one or more primary content objects, *wherein the properties for the base object comprise a base geometry, and wherein the base geometry property comprises a plurality of vertices defining a mesh*. It is respectfully submitted that claim 37, as amended, now contains those features indicated to be allowable, particularly over the Washington reference, with respect to independent claim 11. *See, Office Action*, p. 6, ¶ 3. Accordingly, claim 37 is now believed to be in condition for allowance for at least the reasons set forth in the Office Action with respect to claim 11. Accordingly, it is respectfully requested that the 35 U.S.C. §102(b) rejection of claim 37 be withdrawn and that claim 37 be allowed.

### **CONCLUSION**

For at least the reasons stated above, claims 1, 3, 5-11, 13, 15-22, 24-30 and 37 are now believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of all of the pending claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or [twilhelm@shb.com](mailto:twilhelm@shb.com) (such communication via email is herein expressly granted) – to resolve the same.

The fee for a three-month extension of time is submitted herewith by way of electronic payment. It is believed that no additional fee is due. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required, or credit any overpayment, to Deposit Account No. 19-2112, referencing attorney docket number MFCP.139600.

Respectfully submitted,

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